

ORDINANCE NO. 2687 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE CHAPTER 13, ARTICLES I AND III RELATING TO THE REMOVAL, TERMS AND APPOINTMENT OF JUDGES PRO TEMPORE AND COURT HEARING OFFICERS; CREATING A SPECIAL JUDICIAL OFFICER SELECTION COMMITTEE; MODIFYING THE POWERS AND DUTIES OF THE JUDICIAL SELECTION ADVISORY BOARD; AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 13, Article I, Secs. 13-5, 13-7 and 13-8 are hereby amended to read as follows:

Chapter 13
CITY COURT

- Art. I. In General, §§ 13-1 — 13-~~30~~20
Art. II. Civil Code Enforcement, §§ 13-21 — 13-25
Art. III. Judicial Selection Advisory Board, §§ 13-26 — 13-30

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Sec. 13-5. Removal of presiding city judge, city judge, judge pro tempore or court hearing officer from office.

- (a) The council may suspend or remove the presiding city judge or any city judge:
- (1) If the presiding city judge or city judge pleads guilty or no contest or is found guilty of a crime punishable as a felony under any law of this state or a federal law, or of any other crime that involves moral turpitude under such law;
 - (2) If the presiding city judge or city judge has a disability that prevents the judge from performing the essential functions of the position, with or without reasonable accommodations;
 - (3) If the presiding city judge or city judge engages in actions that constitutes willful misconduct in office, willful and persistent failure to perform the judge's duties,

[Additions are indicated by underline; deletions by ~~strikeout~~.]

habitual intemperance or conduct prejudicial to the administration of justice that brings the judiciary and judicial office into disrepute.

(b) The presiding judge may suspend or remove judges pro tempore or court hearing officers:

- (1) If the judge pro tempore or court hearing officer pleads guilty or no contest or is found guilty of a crime punishable as a felony under any law of this state or a federal law, or of any other crime that involves moral turpitude under such law;
- (2) If the judge pro tempore or court hearing officer has a disability that prevents the judge from performing the essential functions of the position, with or without reasonable accommodations;
- (3) If the judge pro tempore or court hearing officer engages in actions that constitutes willful misconduct in office, willful and persistent failure to perform the judge's duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the judiciary and judicial office into disrepute.

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Sec. 13-7. Term of judges and court hearing officers.

(a) Any city judge or court hearing officer shall be appointed for an initial term of two (2) years. The initial reappointment term shall be for a period of two (2) years and all subsequent re-appointments shall be for a period of four (4) years.

(b) The presiding city judge shall be appointed for a term of two (2) years.

Sec. 13-8. Appointment of judges pro tempore and administrative court hearing officers.

(a) The presiding city judge shall create a special judicial officer selection committee pursuant to Arizona Supreme Court Administrative Order.

(b) Pro tempore judges and court hearing officers shall be appointed by the presiding city judge upon recommendation of the special judicial officer selection committee pursuant to administrative procedures consistent with Supreme Court administrative orders and policies.

(c) Members and terms are at the discretion of the presiding city judge.

(ad) Judges pro tempore. The presiding city judge may appoint qualified persons, who have been recommended by the special judicial officer selection committee ~~advisory board~~, to serve as judges pro tempore. Judges pro tempore shall have all the powers of a city judge, ~~except they shall serve only on a temporary basis when assigned by the presiding city judge.~~ Judges pro

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~~tempore~~ shall be compensated on a contractual or hourly basis, and shall not be eligible for any employee benefits unless required by an entity other than the city. The appointment of a judge pro tempore shall be for a term of two (2) years and may be renewed for additional two (2) years terms at the discretion of the presiding city judge.

(be) Court hearing officers. The presiding city judge may appoint qualified persons, who have been recommended by the special judicial officer selection committee, to serve as administrative court hearing officers. ~~Administrative Court~~ hearing officers shall ~~serve only on a temporary basis when assigned by the presiding city judge.~~ Administrative hearing officers shall have powers only in cases involving City Code infractions under Article II of this chapter and civil traffic matters arising under state law. ~~shall not have authority to adjudicate criminal matters arising under state law or City Code or City Charter or civil traffic matters arising under state law.~~ Administrative Court hearing officers shall not have authority to adjudicate criminal matters arising under state law or City Code or City Charter. ~~either shall be volunteers or shall be compensated on a contractual or hourly basis, and shall not be eligible for any employee benefits.~~ ~~The appointment of an administrative hearing officer may be terminated at any time by written notice delivered or mailed to the appointee and signed by the presiding city judge.~~

SECTION 2. That Glendale City Code, Chapter 13, Article III, Secs. 13-28 and 13-29 are hereby amended to read as follows:

Sec. 13-28. Powers and duties.

The board shall have the following powers and duties:

(a) To seek out and encourage qualified individuals to apply for the office of presiding city judge; and city judge ~~and judge pro tempore~~ of the city court.

(b) To conduct investigations into the background and qualifications of candidates for appointment or reappointment to the office of presiding city judge; and city judge ~~or judge pro tempore~~ of the city court, including but not limited to the use of questionnaires, personal interviews, and contacting such individuals and institutions as it deems reasonable to obtain as much background information on the candidate as possible.

(c) To submit its recommendations for candidates for appointment or reappointment to the office of presiding city judge or city judge of the city court, without regard to race, religion, political affiliation or sex of the candidate, to the city council; ~~who shall interview all candidates recommended.~~

(d) ~~To submit its recommendation to the presiding city judge for candidates for appointment or reappointment to the office of judge pro tempore of the city court, without regard to race, religion, political affiliation or sex of the candidate.~~

[Additions are indicated by underline; deletions by ~~strikeout~~.]

Sec. 13-29. Meetings.

The meetings of the board shall be held once each year for the purpose of reviewing operating procedures and on call of the chair of the board. The chair of the board shall issue a call for a meeting of the board:

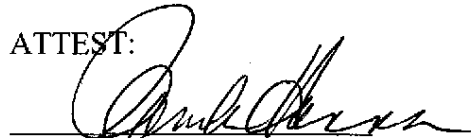
- (1) Promptly upon learning of a vacancy in the office of presiding city judge or city judge of the city court,
- (2) Not less than ninety (90) days prior to the expiration of the term of the sitting presiding city judge or any city judge, ~~and~~
- (3) ~~Upon the request of the presiding city judge for the purpose of receiving recommendations for the appointment of judges pro tempore.~~ The board shall, whenever practical, hold public meetings designed to permit interested parties and groups to submit and recommend persons for appointment consideration.

SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.


PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 23rd day of June, 2009.


MAYOR

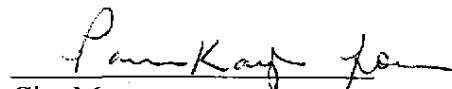
ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager

[Additions are indicated by underline; deletions by ~~strikeout~~.]